

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELON ECHOLS,

Defendant.

Case No. 21-CR-30048-SPM

**MEMORANDUM AND ORDER**

**McGLYNN, District Judge:**

Defendant Delon Echols was charged with one count Attempted Possession of 3,4-methylenedioxymethamphetamine hydrochloride (MDMA) with Intent to Distribute by indictment (Doc. 1) on April 24, 2021. Echols was subsequently found guilty by a jury on September 29, 2022. Judgment was entered on March 24, 2023 and Echols was sentenced to 70 months in the U.S. Bureau of Prisons. (Doc. 79). Echols has appealed to the Seventh Circuit Court of Appeals (Doc. 85). Echols now moves for leave to appeal *in forma pauperis* (“IFP”) (Doc. 97).

When deciding a motion to appeal IFP, the Court must determine if the appeal is taken in good faith, and if so, whether the party is indigent such as to require only partial payment of the \$505.00 filing and docketing fee or to waive collection of the fee entirely. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a). An appeal taken in good faith if “a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000). A motion to proceed in forma pauperis must be supported by an affidavit that: (1) shows the party's inability to pay or to

give security for fees and costs; (2) claims an entitlement to redress; and (3) states the issues that the party intends to present on appeal. *See* FED. R. APP. P. 24(a)(1). Further, incarcerated individuals must provide a "certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in [his] institutional accounts." *See* Form Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis.

In this case, Echols' motion (Doc. 97) and other filings (Docs. 90, 95) identify the issues he intends to appeal and details his financial condition. Further, his previously denied motion (Doc. 90) contains a statement of his institutional account as is required for prisoners. Based on this information, the Court finds that Echols is indigent. Additionally, the Court is unable to certify that this appeal is not taken in good faith. Therefore, Echols' Motion to Proceed on Appeal IFP (Doc. 97) is GRANTED.

**IT IS SO ORDERED.**

**DATED: June 6, 2023**

*s/ Stephen P. McGlynn*  
**STEPHEN P. McGLYNN**  
**U.S. District Judge**